

**FILED**

**JAN - 8 2013**

**Board of Vocational Nursing  
and Psychiatric Technicians**

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7

8 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. VN-2010-5052

11 **MARYANNE ESTRELLA NOCON**

12 3720 Maine Avenue  
13 Long Beach, CA 90806

**A C C U S A T I O N**

14 Vocational Nurse License No. VN 237248

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely  
20 in her official capacity as the Executive Officer of the Board of Vocational Nursing and  
21 Psychiatric Technicians, Department of Consumer Affairs ("Board").

22 2. On or about October 9, 2008, the Board issued Vocational Nurse License Number  
23 VN 237248 to Maryanne Estrella Nocon ("Respondent"). The Vocational Nurse License was in  
24 full force and effect at all times relevant to the charges brought herein and will expire on July 31,  
25 2014, unless renewed.

26 **JURISDICTION AND STATUTORY PROVISIONS**

27 3. This Accusation is brought before the Board, Department of Consumer Affairs, under  
28 the authority of the following laws. All section references are to the Business and Professions

1 Code ("Code") unless otherwise indicated.

2 4. Section 2875 of the Code provides, in pertinent part, that the Board may discipline the  
3 holder of a vocational nurse license for any reason provided in Article 3 (commencing with  
4 section 2875) of the Vocational Nursing Practice Act.

5 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
6 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
7 disciplinary action during the period within which the license may be renewed, restored, reissued  
8 or reinstated.

9 6. Section 492 of the Code states:

10 "Notwithstanding any other provision of law, successful completion of  
11 any diversion program under the Penal Code, or successful completion of an alcohol  
12 and drug problem assessment program under Article 5 (commencing with section  
13 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any  
14 agency established under Division 2 ([Healing Arts] commencing with Section 500)  
of this code, or any initiative act referred to in that division, from taking disciplinary  
action against a licensee or from denying a license for professional misconduct,  
notwithstanding that evidence of that misconduct may be recorded in a record  
pertaining to an arrest.

15 This section shall not be construed to apply to any drug diversion  
16 program operated by any agency established under Division 2 (commencing with  
Section 500) of this code, or any initiative act referred to in that division."

17 7. Section 2878 of the Code states in pertinent part:

18 "The Board may suspend or revoke a license issued under this chapter  
19 [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of  
the following:

20 (a) Unprofessional conduct, which includes, but is not limited to, the  
21 following:

22 ...

23 (d) Violating or attempting to violate, directly or indirectly, or assisting  
24 in or abetting the violating of, or conspiring to violate any provision or term of this  
chapter."

25 8. Section 2878.5 of the Code states in pertinent part:

26 "In addition to other acts constituting unprofessional conduct within the  
27 meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional  
conduct for a person licensed under this chapter to do any of the following:

28 (a) Obtain or possess in violation of law, or prescribe, or except as  
directed by a licensed physician and surgeon, dentist or podiatrist administer to

1 himself or herself or furnish or administer to another, any controlled substance as  
2 defined in Division 10 of the Health and Safety Code, or any dangerous drug as  
3 defined in Section 4022.”

### 4 **DRUG DEFINITIONS**

5 9. Methamphetamine is a dangerous drug as defined in section 4022 of the Code and is a  
6 Schedule II controlled substance pursuant to Health and Safety Code section 11055.

### 7 **COST RECOVERY**

8 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
9 administrative law judge to direct a licentiate found to have committed a violation or violations of  
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
11 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
12 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
13 included in a stipulated settlement.

### 14 **FIRST CAUSE FOR DISCIPLINE**

#### 15 **(Unprofessional Conduct)**

16 11. Respondent is subject to disciplinary action under section 2878, subdivision (a) of the  
17 Code on the grounds of unprofessional conduct. Specifically, on or about June 24, 2011, at  
18 approximately 0311 hours, a Long Beach Police Department officer conducted a routine traffic  
19 stop on a vehicle in which Respondent was a passenger. During the officer's contact with the  
20 driver, the officer found Respondent's behavior suspicious, as if she was hiding something. The  
21 officer observed Respondent move her upper body from left to right and put her right hand  
22 between the passenger seat and the door. Respondent continued this behavior after the officer  
23 instructed her to stop. Another Long Beach Police Department officer responded to assist. The  
24 assisting officer observed Respondent throw a small plastic baggy containing a crystal like rocky  
25 substance believed to be methamphetamine on the ground when she exited the vehicle. Inside the  
26 plastic bag was a liquid watery substance. The responding officer found 2 plastic water bottles on  
27 the right front passenger floorboard and noticed small watermarks on the right front passenger  
28

1 floorboard and seat. The responding officer concluded that Respondent used water to dilute the  
2 methamphetamine contained inside the plastic bag.<sup>1</sup>

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Obtain or Possess Controlled Substance and Dangerous Drug)**

5 12. Respondent is subject to disciplinary action under section 2878, subdivision (a) of the  
6 Code as defined in section 2878, subdivision (a) of the Code in that Respondent obtained or  
7 possessed methamphetamine, a Schedule II controlled substance and a dangerous drug, in  
8 violation of the law. The possession is described in more particularity in paragraph 11, above,  
9 inclusive and hereby incorporated by reference.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Violations of the Vocational Nursing Practice Act)**

12 13. Respondent is subject to disciplinary action under section 2878, subdivision (d) of the  
13 Code in that Respondent violated provisions of the Vocational Nursing Practice Act when she  
14 committed acts constituting unprofessional conduct. The violations are described in more  
15 particularity in paragraphs 11 and 12, above, inclusive and hereby incorporated by reference.

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27 <sup>1</sup> On or about August 4, 2011, Respondent was placed on a deferred entry of judgment program for a period  
28 of 18 months, with terms and conditions in the criminal proceeding entitled *The People of the State of California v. Maryanne Estrella Nocon* (Super. Ct. of California, County of Los Angeles, 2011, Case No. 1LG02056).

1 **PRAYER**

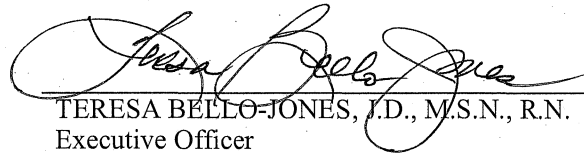
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians  
4 issue a decision:

5 1. Revoking or suspending Vocational Nurse License Number VN 237248, issued to  
6 Maryanne Estrella Nocon;

7 2. Ordering Maryanne Estrella Nocon to pay the Board of Vocational Nursing and  
8 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,  
9 pursuant to Business and Professions Code section 125.3;

10 3. Taking such other and further action as deemed necessary and proper.  
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12

13 DATED: JAN 08 2013



14 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
15 Executive Officer  
16 Board of Vocational Nursing and Psychiatric Technicians  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant

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